

**General Plan 2020 Steering Committee Meeting
July 13, 2002 –Minutes**

Attendees:

Mark Price	Alpine
Margarette Morgan	Bonsall
Chuck Davis	Bonsall
Richard Whitaker	Boulevard
Tim McMaster	Crest/ Dehesa/ Harbison Canyon/Granite Hills
Jim Russell	Fallbrook
Shirley J. Fisher	Jacumba
Pat Brown	Julian
Richard Hensle	Lakeside
Joe Chisholm	Pala/ Pauma
Gordon Hammers	Potrero
Jim Anderson	Rainbow
Dutch van Dierendonck	Ramona
John Ferguson	Spring Valley
Don Fritzges	Tecate
Gil Jemmott	Twin Oaks
Jack Phillips	Valle de Oro
Larry Galvinic	Valley Center
Lois Jones	San Dieguito

Visitors:

Mary Allison	Public, Lakeside
Charlene Ayers	Public
Keith Behner	Rancho Santa Fe Association
Sandra Farrell	Public, Twin Oak
Carol Leone	Public, Lakeside
Hank Palmer	Planning Group, Twin Oaks
Parke Troutman	UCSD
Jan van Dierendonck	Ramona

Planning Commissioner:

Michael Beck

County:

Gary Pryor (DPLU)
LeAnn Carmichael (DPLU)
Rosemary Rowan (DPLU)
Sandra Gillins (DPLU)
Dahvia Locke-Rubinstein (DPLU)

Meeting commenced at 9:08am.

M. Beck: We're going to continue the discussion that we started last time on the Regional Land Use Framework plan and the elements of that. We didn't finish it and so we carried over to today. Rosemary will describe the agenda that we're going to follow and then we'll start.

R. Rowan: Basically, what we'd like to do is similar to the last meeting where we'll take each topic one at a time. I'll do a brief presentation and then we'll follow up with comments from the group. We basically are going to divide it up into three sections with the new business we're going to start where we stopped last time, which is the "Service Commercial" and "Industrial" section. Then we're going to discuss SPAs (Specific Plan Areas) and we'll also do a review of what we're calling "Public/ Semi-Public" (military uses and such), and finally, "Impact Sensitive". Hopefully we'll have some time today to go back and review the sections that we discussed the last time because staff has made some comments and proposed some revised text.

M. Beck: We have Minutes to approve.

J. Phillips: Compliments for the onerous task of these Minutes. It is very well done. I do need to correct some errors- just a few. On page eight, under my statement saying, "EIR mitigation for growth resistance", it was "EIR mitigation for growth *inducement*". And, then on page eighteen, all of the "flights" should be "blight". There's a misspelling in the second paragraph.

MOTION: (J. Phillips) Approve Minutes. Second (R. Hensle). Passes unanimously (with amendments).

M. Price: I'm not listed as being in attendance. I would like that changed.

G. Hammers: At the last meeting, there were minutes approved that had some errors in them and it was brought to my attention at our Planning Group meeting last night. Carl Meyer made some comments at a meeting that he was at that got attributed to me and when they first got corrected, it got reversed. I did want to bring that up because it makes no difference to me, but Carl Meyer was very upset with that and I want that entered into the record.

M. Beck: At the next one of these "get togethers", staff can bring that revised language and this group can adopt that change just to make sure that they're accurate because this whole "archive" needs to reflect what happened and who said what.

R. Hensle: I have some corrections. I made a copy available to the recorder, but they mainly have to do with my comments on page fifteen. On the second line, "...and the impacts border on Medium/ Heavy *Commercial*", that should say "Industrial". On the fourth line, that was a sarcastic comment- or rhetorical. On the ninth line, "that they had a three year sunset or grandfather clause", and it should say "grandfather clause *time limit*". On the eleventh line, in parentheses it shows "adult entertainment". It should say, in parentheses, "C37" and a sunset clause would apply. As written, it appears to show that we have a great deal of adult entertainment in Lakeside. We certainly do not. Line twelve, we'd "like to see that sunset applied to other uses" is what it should say. Line thirteen, again, "grandfather *time limit*". The others were just clarifying C37 be "Heavy Commercial" from page eighteen, as opposed to "Service Commercial".

Vote on MOTION: All in favor. MOTION passes unanimously (with amendments).

First Agenda Item: Introductions

Second Agenda Item: Discussion on the Regional Land Use Framework (continued from 6.22.02)

Service Commercial (C38) & Industrial (M54, M56, M58)

R. Rowan: Topic number one is where we stopped last time and it really combines commercial and industrial land use designations. We added some additional handouts and the one that was sent to you, we've replaced the "Option" page with a different "Option" page that's in color and was put on your table this morning. The old "Option" page was not quite correct. It was brought up at the last meeting that there are some existing problems with "Service Commercial" use. What we've attempted to do is to help you understand why. If you look at the existing Land Use Framework and look down where it says "use types"- these area use types that are only allowed in a "Service Commercial" designation, which is related to zone C37, C38, and C40. Those particular zones are unique to Service Commercial. Other types of commercial uses are allowed in Service Commercial, but those are uses that are also allowed in other types of commercial areas.

If you read down through this list (Existing Land Use Framework, Appendix A) you begin to understand that these are actually very heavy types of commercial types of uses that, in most communities, are often located in industrial areas, not in commercial areas. Things like wholesaling, storage and distribution (heavy), automotive and equipment, building maintenance services, etc. Also, all of these uses do not have to be enclosed. They are allowed outdoors, so they have visual impacts, as well. Right now, these are called "commercial" uses. Typically, in a land use framework, your commercial uses do not have as high impact uses as your industrial uses. So, if you put a commercial designation on a piece of land in your community, you should feel fairly well assured that the impacts of those uses are not going to be higher than if you had put an industrial designation on that piece of land. That is not true today in the County with regard to Service Commercial.

So, an optional way to do this (Land Use Framework- Option, Appendix A) is to move the uses that are unique to Service Commercial into Industrial but that we would create what we're calling a "Medium Impact Industrial" area (the title is not a suggested title, it is just descriptive of what would be in there). By doing that we would actually solve two problems at once. We would solve the problem of the heavy commercial being in Commercial right now rather than Industrial. The other problem it would solve is something that's come up in some of the communities with what is called "General Impact Industrial". The zones that are in General Impact Industrial really have a wide range, starting with M54 up through M58. And, if a landowner gets "Heavy Industrial" right now, they can go in for a simple zoning change and go from a relatively low impact M54 to a very high impact M58. We're suggesting that we create a middle level designation in Industrial that would do two things at once: solve the Service Commercial problem and solve what we've heard as a problem with the Industrial land use as well.

We've attempted to go down to the zoning level to look at this because you really have to look at zoning to begin to understand what the problem is. What we're also suggesting is that if you have "Service Commercial" use in your community, that doesn't necessarily mean that you would automatically designate that as "Medium Industrial". It really depends on where it is and the types of uses that are there now. Maybe that piece of land would be appropriate for "General Commercial" use, but it really depends on location. And then we would have some locational guidelines for where you would put the "Medium Industrial" use that would include the "Service Commercial" that would be probably more restrictive than those guidelines that we have in our

land use today so that you'd know that you need to locate them away from residential neighborhoods. They'd need to be more in something like a district, not small parcels of land next to residential neighborhoods. Right now, in a number of the communities, we have "Service Commercial" right next to residential neighborhoods and that's a problem. So, we're just presenting this as an option for you and would like to hear your comments.

M. Beck: Before we get into this one, let's try to divide it into two questions. One of them is going to have a lot of technical discussion and that is, "What are the appropriate uses and the impacts and the implications to the zoning?". But, the first, fundamental question, is whether or not anybody disagrees with the notion of trying to re-examine and reconsider these definitions, categories and the implications of having them in different places. This isn't eliminating anything, per se, what it's doing is trying to put them into categories (at least from the staff's perspective) that make more sense. Is anybody opposed to this general discussion or consideration? (After some clarification for J. Phillips, the unanimous answer is "no".)

J. Ferguson: This is the first thing that I've heard in this process that is a problem that needs to be addressed. This might be the right way to do it. Are you saying that you're going to move the C37, C38, and C40 and it would be lumped in under the same land use designation that would designate an M54, possibly? I'm asking; a) What you're doing with [the designations] and b) how you would handle it.

M. Morgan: Under the C40 (Rural Commercial), the "automotive and equipment fleet storage", that is part of what is currently allowed and should not be. There's a lot of abuse going on in the rural country that has a lot of storage and big spools of [cable] and fiber optics without any kind of consideration for the viewshed. The secondary part of that is it doesn't have any enclosure so it's sitting out there to the elements with just a chain link fence, so it's starting to really visually blight the area. The second part is under "automotive equipment sales and rentals and heavy equipment". That, too, should have more than a "semi-enclosed" or an "open" status. That should be an "enclosed" status, if that's even allowed in a rural area. That should also be listed under a "Major Use Permit". All C37, C38, and C40 should all have enclosures.

J. Phillips: Unfortunately, VDO has a serious problem with what's being proposed here. As I understand, what Rosemary is proposing is that we take the areas now zoned C37 and give those areas a general plan land use designation of "Industrial".

R. Rowan: No, I said you would have a choice, depending on where that C37 is now. You could either choose to make it "General Commercial", or, depending on the location and the desire of the community, you could make it "Medium Industrial".

J. Phillips: C37 wouldn't be compatible with the "General Commercial" designation and that's our problem. Now we're protected by the fact that all of our "General Commercial" areas require site plan review. Site plan review leads you to a CEQA analysis which says that the project has to conform with the General Plan. Our general plan in almost all of our C37-zoned areas is for "General Commercial" not "Service Commercial". It was a misapplication of zoning back twenty years ago to allow existing uses to remain. So, you have a general plan designation that says that everything has to be in enclosed buildings and you have a C37 zone that says it doesn't. So, if it weren't for the site plan review requirement, the "D" designator, they could put some pretty bad stuff in there. But, we catch them on site plan review. We don't want these C37 areas to be made compatible with this new concept.

G. Pryor: In simple terms, if you've got an area that you want Commercial but you don't want these heavy uses in it, you leave it shown on your general plan as a Commercial area. These uses go away- they can no longer go in a Commercial district. They have to go to this new Industrial classification. If you've got some that you want to keep and it's a Commercial district you may have to change the Commercial to the Industrial if you still want to retain these uses. It actually strengthens your position, it doesn't weaken it.

R. Rowan: If we did this our so-called "zoning patch" would have to include some changes to C37, C38, and C40. The reason is that these zones also allow other uses that are compatible with "General Commercial" or other Commercial areas. So, we're suggesting that C37, C38, and C40 would include the uses now that are just "Heavy Commercial"- that are unique to those. And, we're splitting up the Commercial uses from the truly "heavy" Commercial.

G. Pryor: We do have to rewrite the Ordinance in order to do that. And that's our intent.

J. Phillips: The Ordinance will not be there when the new general plan designations are put there.

G. Pryor: We're going to be real close.

J. Phillips: I want to ask Mr. Pryor to ensure that we'll have a "sit down" on this issue with you or with your "Colonel in charge" for our Planning Area.

G. Pryor: I'd be glad to because I think that it's something that will really help those of you that are faced with this dilemma. This is the solution to do it. I think I can show you how you can apply it and it will give you greater protection.

(J. Anderson- inaudible question.)

G. Pryor: Well, there are a couple of ways you can address it. Our current ordinance has a provision that allows that if a use was established before an ordinance was created or before a change in the ordinance, that it's allowed to stay in use until it ceases for at least, I think, a year, and then it loses its "nonconforming" status. We do not have to do that, however. There is a technique called an "amateurization provision" in which you can give a specified period of time for a use to stay in operation, after which it has to cease. That's done quite often with signs, but it can be applied in terms of uses as well. Right now, we haven't addressed the nonconforming status at all because we're not into the zoning issue, but that is one of those issues that will have to come up when we get there.

R. Rowan: Actually, under "Service Commercial", we did suggest that with "Service Commercial" you might have a sunset period for a nonconforming use. There would be a question of what time period would be appropriate.

M. Beck: It sounds like on this whole issue of nonconforming uses and sunsets and grandfathering that it will apply differently to some of these categories and that final determination will occur during the zoning update. If anybody takes Gary up on the comment that he responded to Jack regarding if you have particular areas in your Plan Area that you want to see what may occur with regard to grandfathering- that you just pull them out and start looking at them individually.

T. Harron: I just wanted to get back to that policy issue that [was] raised. It seems to me that it would be entirely appropriate for this group to make a recommendation to the Board as to how

you think they ought to come out on that policy. Because that decision hasn't even been on the table yet.

R. Hensle: I heartily endorse the sunset. That's certainly been a problem in our community, Lakeside. This is exactly the issue. The vast majority of this C37 land appears to be in areas right against residential or where it is inappropriate. I'd make a motion that there be a sunset for these major uses or they just continue and we've done nothing- we've moved them over into a new zone, but we still allow them to stay there. It needs to have a sunset and I would make it toward the shorter side- ten years is far too long.

M. Beck: I suggest that we get through this item and then we'll pick it up at the end, if it's appropriate to make Motions.

G. Hammers: In looking at the C40, I don't have a problem with moving these items out of C40 in my community. But, I do have one question concerning C40 (see Commercial and Industrial Use Analysis, "Commercial" under items 25, 30, 41) I'm looking under "Residential 1- Family". In my community, these would tend to be "mom and pop" operations where the owners would probably want to live on site. I want to have it clarified whether that's what this is saying.

S. Gillins: The numbers you spoke of (25- "Convenience Sales & Personal Services" and 41- "Personal Services, General") I don't believe are going away. In those commercial zones, the residential use is considered a secondary use and it is permitted.

D. Switzer: (In response to comments that there are a lot of numbers in parentheses on the documents referenced.) They refer to the Zoning Ordinance, section 2980, that has a series of limitations in it.

J. Russell: I'm under the assumption we're going to have a Zoning Ordinance by community. Will we not have this by community? I know where you're going with this and this makes sense to me.

M. Morgan: Currently under "Visiting Service" under "C42" it has "explosive storage" (line 28) as a "permitted use". Could we get that out of there? Could we get rid of that please, because we have "Visitor Commercial". It has to be with a permit and (at this point, the fire alarm went off and M. Beck called for a break).

The fire alarm continued to sound. Staff contacted appropriate maintenance personnel and determined that the fire alarm would not be turned off in time to effectively reconvene and proceed with the meeting. A meeting was scheduled for July 27th to continue the discussion on the Regional Land Use Framework from the point at which it was interrupted.